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5 Attorney for Plaintiffs

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
PRESCOTT DIVISION

8 Tony Manzo, *et al.*

No. 3:22-cv-8081-PCT-JJT

9 Plaintiffs,

10 v.

**DECLARATION OF MICHAEL  
TOSCANINI**

11 Engrained Cabinetry and Countertops,  
12 LLC, Inspired Closets of Arizona, LLC,  
and Thomas Corkery,

13 Defendants.

14 I, Michael Toscanini, do hereby swear, affirm and attest as follows, based upon  
15 my personal knowledge of the matters contained herein:

16 1. My name is Michael Toscanini; I am over the age of 18 and duly  
17 qualified to execute this declaration.

18 2. I worked for Defendants Engrained Cabinetry and Countertops, LLC,  
19 and Thomas Corkery as a designer/ salesman from approximately April 2019 until  
20 April 2020.

1           3.     As a designer/ salesman, I designed and sold closet and storage solutions  
2 for Defendants' customers according to the customer and Defendants' needs and  
3 specifications.

4           4.     Specifically, I used a computer program to design custom storage  
5 solutions for Defendants' customers.

6           5.     During the first few months of my employment, I received a draw from  
7 Defendants that I was required to pay back out of my commissions once I started  
8 making sales. After the first few months, my sole source of income was commissions  
9 on sales.

10          6.     My design work for customers took more than 40 hours per week. To  
11 run a design from start to finish, I had to physically take measurements of the space I  
12 was designing for, interview the customer about their needs and budget, run price  
13 points on all materials required, create the physical design, and create a quote for the  
14 customer.

15          7.     If the customer moved forward, I also supervised the installation process  
16 and ensured everything was to customer satisfaction.

17          8.     The amount of time this took obviously varied based on the size of the  
18 job; some could take as little as 20 hours, and some could take several weeks. I ran  
19 about 15 jobs at a time.

20          9.     Because my income was commission-based, the more sales I made the  
21 more income I earned. I regularly worked after business hours in order to finish up  
22

1 quotes and designs so that I could move projects forward. Defendants didn't ask me  
2 not to work after-hours, nor did they require me to track my time.

3 10. I probably worked 60 to 70 hours per week solely on making designs  
4 and quotes.

5 11. I also worked regular shifts in Defendants' showroom. This was in  
6 addition to the roughly 50 hours I worked in making designs and quotes. I probably  
7 worked about 20 hours in the showroom each week on top of the 50 hours of design  
8 work.

9 12. I hardly ever received my full commission. Other than paying back the  
10 draw, Defendants deducted portions of my commission for any error I made in the  
11 design such as a mismeasurement or an incorrect material.

12 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**  
13 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**  
14 **THAT THE FOREGOING IS TRUE AND CORRECT.**

15 Executed on this 25th day of October, 2023.



**MICHAEL TOSCANINI**